

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

POSITIVE TECHNOLOGIES, INC.,

Plaintiff,

v.

BENQ AMERICA CORP., FUJITSU
GENERAL AMERICA, INC., HITACHI
AMERICA LTD., JVC AMERICAS CORP.,
MITSUBISHI DIGITAL ELECTRONICS
AMERICA, INC., NEC DISPLAY
SOLUTIONS OF AMERICA, INC.,
PANASONIC CORP. OF NORTH
AMERICA, PHILIPS ELECTRONICS
NORTH AMERICA CORP., PIONEER
ELECTRONICS (USA), INC., POLAROID
CORP., PROVIEW TECHNOLOGY, INC.,
REGENT U.S.A., INC., SAMSUNG
ELECTRONICS AMERICA, INC., SHARP
ELECTRONICS CORP., TOSHIBA
AMERICA, INC., TOSHIBA AMERICA
CONSUMER PRODUCTS, L.L.C., AND
V, INC.,

Defendants,

And

SAMSUNG SDI CO., LTD

Intervenor.

CASE NO. 2:06-cv-00022-TJW
Jury Trial Demanded

ORDER OF DISMISSAL

Came on for consideration Plaintiff Positive Technologies, Inc.'s and Defendant Hitachi America, Ltd.'s Stipulation of Dismissal as to Defendant Hitachi America, Ltd. Having considered the Stipulation of Dismissal, the Court is of the opinion that it is well taken and should be granted.

IT IS THEREFORE ORDERED that all claims and defenses asserted by or between Plaintiff Positive Technologies, Inc. and Defendant Hitachi America Ltd. are hereby dismissed with prejudice with each side to bear its own costs and attorneys' fees.

SIGNED this 29th day of November, 2006.



T. JOHN WARD
UNITED STATES DISTRICT JUDGE